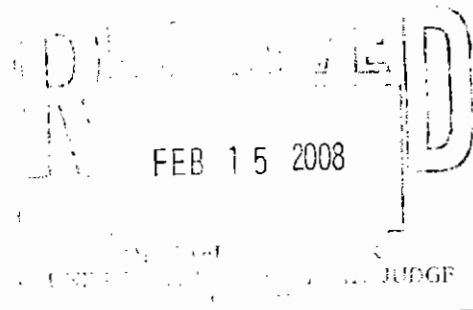


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2/18/08

February 15, 2008

BY FAX (212-805-7928)

Magistrate Judge Michael H. Dolinger  
United States Magistrate Judge  
United States District Court,  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: Carter Securities, LLC v. Marketing Worldwide Corp., 07 Civ. 10671

Dear Magistrate Judge Dolinger:

This firm represents the defendant in this matter and I am writing to express my most sincere apology for my failure to appear at yesterday's scheduled conference. Prior to today I was out sick all week with strep pneumonia and in my debilitated state I simply forgot about the conference. This is the first time this has happened in over 27 years of practice and I could not be more remorseful. I would simply ask that my client not be punished for my oversight and that the conference be rescheduled.

Respectfully submitted,

Robert M. Kaplan

73291

ENJOINED  
ORDER

We have issued a scheduling order. Counsel is free to request another conference if there is a need for one. The court appreciates counsel's explanation for his non-appearance, which will of course have no effect on his client's position in this case.

Handwritten note: 2/15/08